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## ACKNOWLEDGEMENTS

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ACTION OHIO Coalition For Battered Women is a statewide domestic violence coalition, founded in 1976 by members of the YWCA to foster the development of battered women's shelters in Ohio at a time when they were few and far between.

ACTION OHIO developed the first Justice Guide for Ohio Domestic Violence Victims in 1988. This booklet is the latest revision, which provides updated legal information for victims and those seeking to help them.

Thanks to Michael R. Smalz, Senior Statewide Attorney with the Ohio Poverty Law Center in Columbus, for legal updates and other recommended revisions.

Thanks to Janet Stewart, ACTION OHIO Intern and 2012 OSU Graduate, who took responsibility for the revisions process.

Thanks to Karen Ho, Director of the Office of Victim Services, Ohio Department of Rehabilitation and Correction, and to Bruce Adams, Director, and Kate Foulke Coordinator, of the Office of Victim Services, Ohio Department of Youth Services, for their review and recommendations for victim services revisions.

Thanks to Deborah Sendek, Program Director, Center for Effective Discipline, and Trainer, National Child Protection Training Center, and thanks to Hollie Lewis, Child Advocate, Center for New Beginnings in Newark, for their input regarding child abuse and reporting issues.

And thanks to the Ohio Attorney General's Office for providing funds for printing copies of the Justice Guide.

We welcome your comments and suggestions for future revisions and additional resources. (E-mail to [actionohio@sbcglobal.net](mailto:actionohio@sbcglobal.net).)

Phyllis L. Carlson-Riehm  
Executive Director

*This publication was supported by grant number 2012SADOME258 awarded by the Ohio Attorney General's Office*

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## USER'S GUIDE

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This booklet is full of information and it may be overwhelming to the reader. We encourage you to focus on the headings and bolded portions that address your immediate questions and concerns. You don't have to read it all, know it all and understand it all – all at once. Hopefully, it will help you move through the process of problem solving and healing. We celebrate the fact that YOU ARE A SURVIVOR!

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## INTRODUCTION

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Almost any action an abuser takes which physically harms or threatens to harm you is a crime. Domestic violence can include hitting, kicking, slapping, threatening you with a weapon, keeping you trapped, sexually abusing or verbally threatening you or your children.

If you are being abused or threatened in any way, the law can help protect you and your children. Even if you decide not to file a criminal charge, protection orders are available. Protection orders are documents issued by a court to help protect you from someone who is abusing or harassing you. These orders require the abuser to leave you alone and can help keep you safe.

In order to get legal protection, you don't have to be married to or currently living with the abuser. Ex-partners (including same-sex partners) as well as the other parent of your child (even if you've never lived together) can also be charged with domestic violence.

The guide is meant to give you the information you need to make the best decisions for yourself and your family. Keep in mind that legal practices may vary from county to county. Other important resources include your local domestic violence shelter, your county victim assistance program and Legal Aid.

# I. WHAT IS DOMESTIC VIOLENCE?

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**Domestic violence occurs when a person physically, emotionally, financially and/or sexually harms a family or household member.**

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## **Physical Abuse**

Physical abuse usually increases over time, becomes more violent and is a crime. It can include pushing or shoving, slapping or kicking, punching or hitting, throwing or destroying objects, using a knife or gun, choking, burning, biting, holding you down or restraining you, or subjecting you to reckless driving.

## **Emotional and Financial Abuse**

Although emotional and financial abuse may not be illegal, these forms of abuse serve to control through fear, humiliation and limited access to necessities of life and daily activities. Examples include:

- Keeping you trapped
- Threatening you or your children with violence
- Isolating you from friends and family
- Extreme jealousy and false accusations
- Humiliating you
- Threatening to leave and take the children away
- Name calling
- Constantly criticizing your behavior and appearance
- Controlling money and running up debts
- Sabotaging school and work opportunities

## **Sexual Abuse**

Sexual abuse is often the hardest kind of abuse to discuss. It is illegal and it can include:

- Forcing unwanted sex acts
- Committing rape or incest and
- Using objects or weapons to hurt you during sex.

*If you do not feel safe at home or think you might be a victim of domestic violence, help is available.*

## **II. WHAT CAN I DO IF I AM PHYSICALLY ABUSED?**

**This can be a confusing and difficult time. Not every option works for every victim. Talking with someone at your local domestic violence shelter may help you make decisions that are best for you.**

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**You have a right to live a violence-free life.**

**•Call your local domestic violence shelter.**

The shelter will be able to provide you with a safe place to stay and give you information about support groups, counseling, victim advocates who can help you in court hearings and other options. The number for your local shelter can be obtained from organizations listed in the Where Can I Get Help? Section.

**•Call the police or sheriff.**

Try to call either during a violent incident or immediately afterward. The sooner you notify law enforcement, the sooner help will arrive to intervene and the stronger your case will be if you go to court.

Be sure to get the officers’/deputies’ names and badge numbers. Tell them all the facts surrounding the abuse.

In Ohio the police or sheriff can arrest the abuser regardless of whether or not you want to file charges. Once the abuser has been arrested, the prosecutor will decide whether or not to bring the case to court. The prosecutor’s office may decide to file criminal charges even if you ask that they be dropped.

In criminal prosecution the police officers or sheriff’s deputies are the ones primarily responsible for gathering relevant evidence, by conducting interviews with witnesses and by taking pictures of visible injuries. However, if you want, you can help them gather the evidence needed to make your case stronger.

For example, save torn or bloody clothing that might be evidence. Give the police the names and numbers of anyone who witnessed the abuse or who saw you immediately afterward, such as friends, neighbors, or medical staff. Witnesses can also include anyone who has seen or heard previous physical abuse going on.

Even if you do not call law enforcement immediately after an incident, charges can be filed later. However, the sooner you report the incident, the easier it will be for officers/deputies to gather evidence.

**•Have pictures taken of bruises and damages at the scene.**

Usually law enforcement will do this if they have been called. If law enforcement has not been called, or did not take pictures, have a friend photograph your injuries right after the incident, as well as a few days later, when new bruising may appear. Be sure to write down the time and date the pictures were taken. Make sure at least one picture includes your face to connect the injury with the person. Pictures of damaged property may also be helpful.

**•Get written statements.**

Even if law enforcement is not involved, you may still want to get written statements from witnesses to either help you get a protection order from a civil court or to strengthen your case if charges are filed at a later date. Keep any evidence you gather in a safe place, perhaps with a friend, a family member or a co-worker.

**•Get legal help.**

The court can help protect you by issuing a protection order requiring the abuser to leave you alone. Domestic violence shelters often have victim advocates who can explain to you what protection orders can and cannot do for you, how to go about getting one and what legal forms you need to use. The victim assistance program in your local prosecutor's office also has advocates who can help you.

**•In case offender is on probation or parole/post release control supervision.**

If the offender is on probation or parole/post release control supervision, contact the probation or parole officer (with the Adult Parole Authority) and inform staff about what happened.

**•Get medical help.**

If you or your child is injured, you should go to an emergency room or other medical facility immediately, even if you decide not to contact law enforcement or file charges. You may have sustained injuries that are not visible. The hospital is a safe environment which can provide you with care and an opportunity to be separated from the abuser. Going to the hospital is also a good way to document your injuries. Medical staff are not required to call law enforcement unless your injuries include a gunshot or knife wound or a serious burn. They are required to make notes in your medical record and that record could one day serve to substantiate the violence and help you in court.

**•Make a safety plan.**

Even if you decide not to call law enforcement or get a protection order, you need to come up with a concrete plan for a quick escape. Going to a domestic violence shelter or the home of family or friends may be your first step. Plan where to go and how to get there at any time of day or night. Put aside emergency money and important papers (birth certificates, medical records, car title, etc.) you might need. Hide an extra set of car keys. If you do leave, take the children with you. In case you are not at home, older children should also have emergency numbers to call and an escape plan of their own. Pack a suitcase and leave it with a friend or neighbor. If pets are in danger as well, there may be options for their temporary care.

**REMEMBER: FALSE HOPES CAN BE DANGEROUS!** Believing that abuse will stop by itself or become less frequent can put you and your children at risk. The abuser may apologize and swear that the violence won't happen again, but in most cases the abuse gets worse over time.

### III. WHAT ARE THE LEGAL DEFINITIONS OF DOMESTIC VIOLENCE?

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#### **What is the legal definition of domestic violence according to criminal court?**

According to criminal court, domestic violence occurs when a person:

1. Knowingly causes or attempts to cause physical harm to a family or household member,
2. Recklessly causes serious physical harm to a family or household member, and
3. By threat of force, knowingly causes a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

O.R.C. 2919.25

#### **What is the legal definition of domestic violence in civil court?**

Civil court defines domestic violence as the occurrence of one or more of the following acts against a family or household member:

- a. Attempting to cause or recklessly causing bodily injury;
- b. Placing another person by threat of force in fear of imminent serious physical harm;
- c. Committing any act with respect to a child that would result in the child being an abused child;
- d. Committing menacing by stalking or aggravated trespass against a family or household member;
- e. Committing child abuse against a family or household member  
Committing a sexually oriented offense (e.g. rape, sexual battery, gross sexual imposition, child enticement and child pornography).

O.R.C. 3113.31

#### **Who are considered family or household members?**

Family and household members include:

1. Spouses;
2. Former spouses;
3. Persons cohabiting or who have cohabitated within five years;

4. Parent, foster parent, children of other people related by blood or marriage who are living or have lived with the abuser;

5. Natural parent or alleged natural parent of your child.

O.R.C. 2919.25 and 3113.31

**What other crimes are associated with domestic violence?**

Other crimes associated with domestic violence for which you could get a protection order include felonious assault, sex offenses, child endangerment, menacing by stalking and aggravated trespass.

**What is stalking?**

“Menacing by stalking” occurs when a person engages in a pattern of conduct knowingly causing another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

O.R.C. 2903.211

**“Pattern of conduct” refers to two or more actions closely related in time.**

Stalking can include following you in public, making threats over the phone, calling repeatedly, staking out your home or workplace, or cyberstalking (including but not limited to stalking by e-mail, social networking sites or text messaging).

**You will also need to develop a safety plan.** You may want to collect evidence (notes or e-mails the stalker has written to you, statements from witnesses, recorded phone messages, text messages) and keep a journal of incidents.

**What is aggravated trespass?**

“Aggravated trespass” occurs when a person enters or remains on the land or premises of another with the purpose to commit a misdemeanor, the elements of which involve causing another person to believe that the offender will cause physical harm to that person.

O.R.C. 2911.211

**What does it mean to violate a protection order?**

“Violating a protection order” occurs when a person recklessly violates any terms of a protection order.

**Types of protection orders include:**

Domestic Violence Civil Protection Orders

Temporary Protection Orders

Civil Stalking or Sexually Oriented Offense Protection Orders

Stalking Criminal Protection Orders

Juvenile Civil Protection Orders

By issuing a protection order, the court has ordered the abuser to abide by its terms. If the abuser fails to do so, he or she is in violation of the order and may be subject to legal consequences.



## IV. WHAT LEGAL RELIEF IS AVAILABLE TO DOMESTIC VIOLENCE VICTIMS?

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### **There are two avenues of legal relief available to victims of domestic abuse:**

1. The filing of a criminal Complaint by the police, the prosecutor, or possibly yourself alleging a domestic violence crime with the criminal court. Once a criminal Complaint is filed, you can request a Temporary Protection Order (TPO) for your safety.
2. The filing of a Civil Protection Order (CPO) in civil court (Domestic Relations Court). You do not have to file criminal charges in order to file for a CPO.

### **What are the advantages of filing criminal charges?**

By filing criminal charges, you can get a Temporary Protection Order and your abuser may be sentenced to a possible fine and/or jail time. The abuser may also be required to participate in a batterer intervention program designed to help the abuser control his or her violence.

### **What are the advantages of a Civil Protection Order (CPO) over a Temporary Protection Order (TPO)?**

1. A CPO contains more detailed restrictions and can include temporary orders of custody and support.
2. A CPO can remain in effect for as long as five years as opposed to a TPO which ends when the criminal case ends.

*Protection orders can be useful tools for ending abuse. Not only can they require the abuser to stay away from you, they also send a strong message to the abuser that you will not put up with violent behavior.*

### **What is the difference between civil and criminal courts?**

Civil court (Domestic Relations or Juvenile Court) is in charge of granting divorces, determining child custody, and providing for a fair division of property. The court is also responsible for protecting domestic violence victims.

Criminal court handles all types of criminal charges, including domestic violence. In addition to protecting you, the criminal court (Municipal Court, Common Pleas or County Court) is responsible for punishing and/or confining the abuser.

### **Which court should I use?**

If a Complaint has been filed in criminal court, you still have the right to file a Petition for a Civil Protection Order in civil court. If you have been abused, you may file in either or in both courts.

**What is the difference between a restraining order and a protection order?**

A restraining order is issued by the civil court in divorce cases. (However, sometimes a CPO will be issued in a pending divorce case.) A restraining order is generally used to keep one person from selling household goods, depleting bank accounts or harassing the other person. Unlike Temporary Protection Orders and Civil Protection Orders, law enforcement officers do not enforce restraining orders. Restraining orders can only be enforced if you file a motion for contempt with the civil court (Domestic Relations or Juvenile Courts).

**What kind of protection order can I get if I am being stalked or if the abuser has committed aggravated trespass?**

You can file Menacing by Stalking and possibly Aggravated Trespass Criminal charges and, if you are not a family or household member of the stalker, you can petition the criminal court to issue a Stalking Criminal Protection Order (SCPO).

If you are a family or household member of the stalker, you can petition the criminal court for a Temporary Protection Order (TPO). The order requires the person to stay away from your home, school and workplace. Like a TPO, the Stalking Criminal Protection Order is issued only when a charge has been filed and ends when the criminal case ends.

If you are a family or household member, you can instead or also petition the civil court for a Civil Protection Order or a Civil Stalking Protection Order. Both these protection orders can remain in effect for as long as five years as opposed to a Stalking Criminal Protection Order, which ends when the criminal case ends.

**Does my Civil Protection Order (CPO), Temporary Protection Order (TPO), Stalking Criminal Protection Order (SCPO) or Civil Stalking Protection Order (CSPO) remain in effect if I cross state lines?**

Yes. If you travel, contact local law enforcement in the county in which you are staying and tell them that you have a protection order. If you move to another state, tell the local law enforcement that you have a protection order and ask them whether or not you need to apply for a new one.

**REMEMBER: A PROTECTION ORDER CAN HELP KEEP YOU SAFE, BUT IT CAN'T GUARANTEE YOUR SAFETY!** While an abuser can be arrested for violating the protection order, you can't always prevent the violation.

## V. HOW ARE CRIMINAL CHARGES FILED?

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**The purpose of filing a criminal charge (Complaint) is to punish and/or confine the abuser as well as to protect you.**

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### **How are criminal charges filed in court?**

There are many ways to file a Complaint for domestic violence. If the violence occurred in the city, call the police immediately. If it occurred in the county, call the sheriff. Give all the facts of the assault and ask law enforcement to arrest the abuser immediately in order to protect you from further violence. Based on the information gathered and the evidence collected, the police or sheriff may file a Complaint or they may tell you how to file a Complaint.

Due to Ohio's "preferred arrest" statute, if a Complaint for a crime of domestic violence is filed, an arrest is supposed to be made if law enforcement has reasonable cause to believe that the alleged abuser committed domestic violence.

If the police or sheriff fail to file charges or were not called when the violence occurred and you want to file charges yourself, be sure to get assistance from a victim advocate. The prosecutor's office can file a Complaint on your behalf. To make your case the strongest possible, you will want to cooperate fully with law enforcement and the prosecutor.

A misdemeanor (lesser charge) or a felony (more serious) charge can be filed depending on the circumstances of the incident and on whether the abuser is a repeat offender. Misdemeanors are filed in County or Municipal Court, and the case is handled by the city prosecutor. Felonies are filed in the Common Pleas Court, and the case is handled by the county prosecutor. No matter who files the charge, the city or county prosecutor is the one who will decide what will happen to the case.

*The abuser can go to trial even if you ask that charges be dropped. You are not responsible for charging the abuser. Domestic Violence, Stalking and Aggravated Trespass are crimes against the State of Ohio. You are the victim. Only the judge has the power to dismiss the case.*

### **What happens if an arrest is made?**

If an arrest is made, you should go to the court on the next business day for the arraignment. The judge will most likely issue a Temporary Protection Order at that time, and it is very important that you be present. If you do not go to court, the seriousness of the crime may be minimized and the protection order may not be granted.

If the abuser is not immediately arrested, contact law enforcement to find out about the status of your case.

If the abuser is arrested by a probation or parole officer, this could result in a violation hearing regarding the abuser's supervision status. You should follow up with the officer to obtain specific information about your case.

### **Can the abuser be released after having been arrested?**

Yes. If released on bail, the abuser pays to the court an amount of money that has been determined by the judge. By paying the money, the abuser promises to return to court for the appropriate hearings. If he or she has been released on bail and there have been acts of violence, you can ask the prosecutor to request that the court reconsider the conditions of release.

### **What criminal charges can be filed?**

In addition to the crime of domestic violence, other charges can be filed, including stalking, aggravated trespass and rape. The police or sheriff, or the prosecutor's office, will decide if additional charges should be filed. The decision whether to file a misdemeanor or a felony usually depends upon the seriousness of the abuse, the use of a weapon by the abuser or any prior record of violence.

### **In case of abuser under probation or parole/post release control supervision.**

If the abuser is under probation or parole/post release control supervision at the time the domestic violence offense occurs, even if a prosecutor is not pursuing criminal charges, there can still be a violation hearing for the case through the Adult Parole Authority (for parole or post release control) or county court (for probation). The officer assigned to supervise the abuser would be able to provide more detailed information about the status of your case.

### **What happens if a misdemeanor charge is filed?**

Crimes of domestic violence are generally classified as misdemeanors unless the abuser has been previously convicted of domestic violence or another violent crime or a weapon or serious injury is involved.

An arraignment hearing will be held the following day or the next business day. At the arraignment hearing, the court will notify the abuser of the charges, and he or she will enter a plea of guilty, not guilty or no contest (meaning that the accused agrees to the facts of the case but does not admit guilt). If the accused pleads guilty or no contest, the judge will usually make a finding of guilt and proceed to sentencing. A not guilty plea means that a hearing will be set for a future date.

### **What happens if a felony charge is filed?**

#### ***Preliminary Hearing/Grand Jury***

At a preliminary hearing (also called a probable cause hearing), the prosecutor on behalf of the State presents evidence so that the court can make sure that the charge is valid. Witnesses may be required to testify. If the judge finds that there is probable cause, the case will then be presented to a grand jury. More likely, the prosecutor may choose to bypass a preliminary hearing and present the case directly to the grand jury. The abuser will be present and the county prosecutor will be the only attorney present. You will be notified of the results.

### ***Initial Appearance Hearing***

If the grand jury decides that the charges are valid, an initial appearance hearing will be held. At the hearing, the court informs the abuser of the charges, his or her right to a lawyer and sets bail. You should inform the prosecutor and your advocate of any concerns you have which the court should take into consideration when setting bail. Tell the court about any problems you've had since the arrest.

### ***Arraignment Hearing***

At an arraignment hearing the court will notify the abuser of the charges and he or she will enter a plea of guilty, not guilty or no contest (meaning that the accused agrees to the facts of the case but does not admit guilt). If the accused pleads guilty or no contest, the judge will usually make a finding of guilt and proceed to sentencing. A not guilty plea means that a hearing will be set for a future date.

You will be notified of the hearings and you will be required to attend at least one hearing and testify. You have a right to have a victim advocate in court with you. To get information about hearing dates, call the Clerk of Courts. It is very important that you tell the Clerk of Court of any changes in your address or phone number.

### **What if there is a trial?**

If the case goes to trial, the defendant will probably have an attorney and the prosecutor will represent the State. However, you will probably want a victim advocate for support and assistance. Many domestic violence shelters provide a victim advocate, and many counties also have victim assistance programs through their prosecutors' offices, which can provide you with an advocate in court.

The abuser has a right to a trial, either with a jury or with a judge. Find out from your advocate what to expect. If a jury is used, the first step will be the selection of the jury, a task for the judge and the attorneys. Next, the attorneys make opening statements, which give an overview of what they intend to present. The prosecution then calls witnesses and presents evidence. After the prosecution has finished, the defense attorney will do the same. When all witnesses have been called, the attorneys will make their closing arguments. Finally, the judge or jury decides if the defendant is guilty "beyond a reasonable doubt."

### **What if the abuser is found guilty?**

If the abuser has been found guilty, the judge will sentence him or her at a sentencing hearing. The abuser may or may not have to spend time in jail. If put on probation, the abuser will not go to jail but will have to report periodically to the court. If, however, the abuser threatens or harms you in any way during the duration of the probation, he or she could be sent to jail. The abuser could also be ordered to go to counseling. Batterer intervention programs are designed to help abusers take responsibility for their actions and control their violent behavior.

### **In case of offender found guilty in a violation hearing.**

If the offender is found guilty in a violation hearing for his or her probation or parole/post release control status, the hearing officer or judge will impose sanctions. These sanctions could include returning to prison for a period of time, programming or another remedy.

SIMPLY COMPLETING A BATTERER INTERVENTION PROGRAM IS NO GUARANTEE THAT A BATTERER WILL STOP BEING EITHER PHYSICALLY OR EMOTIONALLY ABUSIVE.

### **What are the penalties for domestic violence charges?**

Penalties for offenses can change over time. Check with your victim advocate as to whether or not the following penalties are still current.

If the abuser is found guilty of domestic violence as a misdemeanor of the first degree, the maximum sentence is six months in jail and a \$1,000 fine.

If convicted of domestic violence as a misdemeanor of the fourth degree (meaning threats of physical violence were made but not carried out), the abuser faces a maximum penalty of 30 days in jail and a \$250 fine.

If the abuser has been previously convicted of domestic violence, a felony charge of domestic violence can be filed. This is a felony of the fourth degree and is punishable by a term of imprisonment up to 18 months and a \$5,000 fine.

If the abuser has been previously convicted two or more times, the new felony is a felony of the third degree, punishable by a term of imprisonment up to 36 months/3 years and a \$10,000 fine.

If you've suffered serious injury, or if you've been threatened with a deadly weapon, a charge of felonious assault may be filed. This is an aggravated felony of the second degree.

Many specific crimes address sexual offenses. In Ohio, marital rape is a crime. Therefore, if you are married and have been forced into any sexual acts, rape may be an appropriate charge. Rape is an aggravated felony of the first degree.

If any crime is committed with a firearm, there is an additional three-year mandatory prison sentence.

Menacing by stalking is a first degree misdemeanor unless the abuser has previous convictions for stalking or for other aggravating circumstances (e.g. a deadly weapon or a minor is involved). In that case, menacing by stalking becomes a fourth degree felony.

## VI. WHAT ARE MY RIGHTS AND RESPONSIBILITIES WHEN FILING A CRIMINAL CHARGE?

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### **1. As a victim, you have the following rights throughout all proceedings:**

- The right to a victim advocate at all stages of the proceedings
- The right to have your address and phone number kept confidential
- The right to information concerning step-by-step procedures of the case
- The right to information concerning procedures to follow if you feel intimidated
- The right to notification about all hearings, delays, acquittals, appeals or early release
- The right to minimal contact with the defendant in court
- The right to be present at all hearings, including sentencing
- The right to make a statement at sentencing about the impact of the crime on you and your family

### **2. The following are suggestions for appearing in court:**

- Relax (Your victim advocate can help you stay calm and provide you with emotional support.)
- Arrive a few minutes ahead of time
- If at all possible, do not bring your children with you into court (Find a relative, neighbor or friend who can care for them.)
- Dress conservatively
- Do your best to control your emotions or you could be asked to leave
- Look at your attorney or victim advocate, not at the abuser
- Think about questions before answering them (If you don't understand a question, ask for clarification.)

3. It is possible for a person arrested on a charge of domestic violence to get out of jail very quickly. If you believe that the abuser will get out of jail soon and will violate the terms of a CPO or TPO, you will need a safe place to stay.

4. If the abuser is in jail or prison, it is important that you register for victim notification through VINE (Victim Information Notification Everyday) as well as through the Office of Victim Services within the Ohio Department of Rehabilitation and Correction or the Ohio Department of Youth Services (whichever is appropriate for your case). Registering for both VINE and Office of Victim Services (ODRC or ODYS) will ensure that you will receive the most comprehensive notification services possible.

5. When an abuser is arrested, he or she has a right to post bond and be released from jail. The judge decides the amount of the bond, taking many factors into consideration, including but not limited to the abuser's prior record, employment, attendance at prior court appearances, and the facts of your individual case. For that reason, it's very important that you give to law enforcement a detailed description of all the circumstances surrounding the violence.

## VII. WHAT IS A TEMPORARY PROTECTION ORDER?

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**Even if arrested, the abuser may be in jail for only a very short time. The court, however, can issue you a document called a Temporary Protection Order (TPO). This order requires the abuser to stay away from you until the criminal case is over. A TPO can order the abuser to not contact you in person, by writing, by phone or by any other means. The abuser cannot approach you at work, at school or place of residence and cannot threaten you in any way. And if he or she does not stay away, the abuser can be arrested again.**

**A Temporary Protection Order may only be issued if criminal charges of domestic violence or a related crime are filed.**

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### **Who may request a Temporary Protection Order (TPO)?**

The complainant, the victim or, in an emergency, law enforcement asks the court for the TPO as a condition of the abuser's release from jail.

### **Is there a fee for filing a criminal charge and requesting a Temporary Protection Order?**

No. There is no charge for filing or serving a TPO Petition.

### **How do I get a Temporary Protection Order?**

Once a criminal charge is filed and an arrest has been made, the judge usually will issue a Temporary Protection Order at the arraignment hearing. This hearing must take place within 24 hours or the next business day and will usually be held the next morning in Municipal Court.

If a TPO was not issued at the arraignment and you feel unsafe, contact the city prosecutor if a misdemeanor charge was filed in Municipal Court or the county prosecutor if a felony charge was filed in Common Pleas Court.

If you sign the motion (request) for an order, you must be present at the hearing. If the victim is hospitalized due to a medical condition resulting from the abusive incident in question, someone else knowledgeable about the situation can take the victim's place.

If the abuser has not yet been arrested, the court will hold an ex parte TPO hearing, meaning that the abuser is not present in court. The TPO is not effective, however, until a copy is given to the abuser. The abuser must comply with the ex parte TPO after he is given a copy or once he becomes aware of its existence.



More often, the court will issue a TPO when the abuser first appears in court as a pretrial condition of release from jail. In addition, if the abuser is believed likely to commit more violence, the judge may set a high bail, which could keep the abuser in jail until the trial.

### **What do I do when I get to the courtroom for the TPO hearing?**

Arrive on time. If you miss the hearing, your TPO request may be dismissed.

Appearance is important. Dress neatly and not overly casual. When you arrive in the courtroom, do not sit near the accused. You should have a victim advocate to assist you.

If you do not have a victim advocate with you, tell the representative from the city prosecutor's office who is in the courtroom that you are there for a Temporary Protection Order. Tell the representative that you would appreciate assistance.

You may have to wait for some time. When you hear either the abuser's name or your name called, go and stand behind the table located in front of the judge. The judge will have you raise your right hand, give your name and swear that your statements are true.

The judge may then ask you to briefly explain why you need the TPO. Speak up so that the judge can clearly hear you, answer the judge's questions and speak only to the judge.

Explain to the judge why you need a TPO to protect yourself or a family member from further harm. A victim advocate can help you prepare your information. Try to stay calm.

**REMEMBER:** The abuser may deliberately say things to upset you.

### **What happens after I get a Temporary Protection Order?**

Once the judge signs the TPO, the order becomes effective when the abuser has been given a copy or becomes aware of its terms. Always keep your copy of the order with you. You may also want to give copies to your workplace and to your children's school or day care center.

### **For how long is a Temporary Protection Order effective?**

The TPO is effective until the abuser is found guilty or not guilty of the criminal charge, or until replaced by a Civil Protection Order (CPO) issued by civil court (Domestic Relations or Juvenile Court). The TPO may be changed, continued or canceled at later hearings which you have a right to attend, so it's important to keep checking to see if your TPO is still in effect.

### **What should I do if the abuser violates the Temporary Protection Order?**

**CALL THE POLICE OR SHERIFF IMMEDIATELY. DO NOT ATTEMPT TO REASON OR ARGUE WITH THE PERSON. GET YOURSELF AND YOUR CHILDREN TO SAFETY.**

If the abuser is in your home or workplace and refuses to leave, law enforcement can arrest the person for violating the TPO.

When the police or sheriff arrives, show him/her a copy of your TPO. Law enforcement may need to make sure that the TPO is valid first by checking with the records department of the municipal Clerk of Court.

Even if the officer or deputy does not make an arrest, ask him/her to make a report regarding the TPO violation. You may be required to sign this report.

Be sure to write down the officers'/deputies' names and badge numbers so that the prosecutor's office can make contact if necessary.

If the officers or deputies do not file the TPO violation, contact your victim advocate at your local shelter or the victim assistance program at the prosecutor's office and ask if he/she could help persuade law enforcement to file charges for the violation.

**If I get a TPO from the court, does that mean that the abuser has been found guilty?**

No. Issuing a TPO does not mean that the abuser has been found guilty and the issuance of a TPO cannot be presented as evidence at trial. The prosecution must still prove your case "beyond a reasonable doubt." Therefore, it is very important that you work with your victim advocate to provide details, witnesses and evidence to support the criminal charge.

**REMEMBER: If you believe that you are still in danger after the criminal case ends (TPO is no longer in effect), file for a Civil Protection Order.**

## VIII. WHAT IS A CIVIL PROTECTION ORDER?

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**A Civil Protection Order (CPO) is a document issued by a civil court that orders the abuser to stay away from you. The civil court can issue the order on the same day if you state under oath that you or someone in your household has been threatened or abused.**

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If criminal charges are not being filed against the abuser, you can still get a Civil Protection Order. And even if charges have been filed and you have been issued a Temporary Protection Order, you can still file for a Civil Protection Order in civil court.

### **How can a Civil Protection Order (CPO) help protect me?**

By issuing a Civil Protection Order, a judge may require an abuser to:

1. Stop hurting or harassing you,
2. Move out,
3. Make or continue support payments,
4. Go to counseling that focuses on battering or drug/alcohol abuse, or both,
5. Let you use the car or other motor vehicle,
6. Not contact you either in person, in writing, by phone or any other means,
7. Stay away from your residence, workplace and school,
8. Not threaten you, either directly or through a third party, and/or
9. Other appropriate relief.

### ***A Civil Protection Order can also:***

1. Give you temporary custody of children (if no other court has determined custody and visitation),
2. Require supervised visits so that the abuser can only spend time with his children if a social service agency worker is present, and/or
3. Award use of a motor vehicle and possession of personal belongings.

### **Who may file for the order?**

Usually you can file for a Civil Protection Order yourself by proving that, as a victim, you are a “family or household member,” that you or your children have been threatened or harmed, and that you are in fear of the continuation of the abuse. Ordinarily, the court can grant the CPO on your word alone.

If you cannot obtain an attorney, you may file for a Civil Protection Order pro se (without an attorney).

If you need an attorney, call your local domestic violence shelter or local bar association for the name of an attorney who specializes in domestic violence. If you cannot afford an attorney, you should call (866) 529-6446 for your local Legal Aid Office. Ask ahead of time about fees and make sure that your attorney is

knowledgeable about protection orders and has experience working with domestic violence victims. In addition, your local domestic violence shelter may be able to refer you to a private attorney who will offer his or her legal services pro bono (free of charge).

If your attorney is charging you for his or her legal services, the Ohio Attorney General's Office may assist you with these payments through the Ohio Crime Victims Compensation Program. (See Where Can I Get Help? Section.)

Throughout these legal proceedings, it is extremely helpful to have the support and assistance of a victim advocate. Either your local domestic violence shelter or the victim assistance program through your prosecutor's office may be able to provide you with an advocate who can help you in court.

If you have additional questions, call the clerk of the Domestic Relations Division of Common Pleas Court. If your abuser is a minor, call the clerk of the Juvenile Division of Common Pleas Court. Both of these telephone numbers should be listed in the government section of the phone book or online under the heading County Agencies.

### **Where do I file for a Civil Protection Order (CPO)?**

As a victim of domestic violence, you may file a Petition for a Civil Protection Order in the Domestic Relations Division of the Court of Common Pleas. However, if the abuser is less than 18 years of age, you must file the Petition in the Juvenile Division of the Court of Common Pleas. Forms are available at the prosecutor's office, victim assistance program or possibly at your local domestic violence shelter.

### **Is there a fee for requesting a Civil Protection Order (CPO)?**

No. There is no charge for filing or serving a CPO Petition.

### **Does the abuser have to be present in order to get an emergency Civil Protection Order (CPO)?**

No. Once the Petition is filed, an ex parte hearing can be scheduled for the same day. (Ex parte means that the Petition will be heard and an order may be granted without the abuser being present.)

### ***The abuser must be given a copy of the CPO or know about the terms of the CPO before he or she can be held liable for a violation.***

Within 10 court days after the court grants the ex parte CPO (or 7 court days if the abuser has been ordered to leave home), you will have to go back to court for a second hearing. At this second hearing, referred to as the "full hearing," your abuser has the right to be present. Any witnesses, including yourself, may be cross examined by your abuser's attorney or by your abuser (if he or she does not have an attorney).

### **For how long is a Civil Protection Order (CPO) effective?**

If the judge decides to issue an ex parte CPO, this first order will generally be effective until the full hearing, which will be held 7 to 10 court days later. If the abuser has not been served with the CPO, the full hearing may be rescheduled for a later time. If the court does reschedule the full hearing, the ex parte CPO will be extended until that date.

Once the judge issues a final CPO, the order may last for up to five years. If abuse is likely to continue after the CPO ends, you can request an extension or file for a new order.

If you file for a divorce or dissolution, the CPO provisions which are designed to protect you from domestic violence will remain in effect.

### **Can the provisions of a CPO be changed?**

Yes. If your circumstances change, you or your abuser can ask the court to modify provisions of the CPO. For example, visitation rights can be suspended, supervised visitation can be ordered, or the visitation schedule or pick-up site can be modified.

In considering the modification of your CPO, the court will review factors including but not limited to whether you still fear your abuser, whether you and your abuser still have minor children, whether any additional protection orders have been filed against your abuser, and whether the abuser has participated in any domestic violence counseling programs.

### **Can I drop the proceedings to obtain a CPO?**

Yes. Unlike criminal proceedings, you can drop the proceedings to get a CPO at any time.

### **What should I bring to the full hearing?**

Bring to the hearing any witnesses and documentation of abuse, including police or sheriff's reports and medical records. Witnesses to any past abuse, not just the incident in question, can also testify.

Unlike criminal court, the burden of dealing with the legal system is on you, not the prosecutor. You may want to write out all information you plan to give the court before the hearing. Ask your lawyer or victim advocate to help you. Remember that your lawyer can speak for you in court. Additionally, you and your lawyer should arrange for your witnesses to be present at the court hearing. Any witnesses, including yourself, may be cross examined by your abuser's attorney or by your abuser (if he or she does not have an attorney).

### **What happens after I get a Civil Protection Order (CPO)?**

Once the order is issued, a copy must be given to the abuser, which is usually delivered by the police or sheriff. A copy must also be given to your local law enforcement agency.

Always keep your copy of the order with you. You may also want to give copies to your workplace and to your children's school or day care center.

### **What should I do if the abuser violates the Civil Protection Order (CPO)?**

CALL THE POLICE OR SHERIFF. The violation of a protection order is a crime. Although law enforcement may have a copy of your CPO on file, be sure to have your own copy available. The abuser can be arrested and charged with violation of a protection order. Get the officers' or deputies' names and badge numbers as soon as they arrive.

If the abuser violates any of the order's child custody or support provisions, have an attorney ask the court to issue a contempt order against the abuser. Violating a CPO by an abuser is a criminal offense, in addition to any criminal charges you have already filed! It may result in a Contempt of Court charge or criminal prosecution. If you file a Contempt of Court charge, the abuser faces up to a 30-day jail sentence and a fine of up to \$250 for a first violation. A criminal offense can result in a six-month jail sentence and a fine up to \$1,000 for a first violation. If law enforcement does not file the CPO violation, contact your victim advocate or prosecutor's office and ask for assistance in getting an appropriate response from the criminal justice system.

## IX. SAFETY SUGGESTIONS ONCE YOU HAVE OBTAINED A CPO OR TPO

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**Protection orders can help keep you safe, but you need to take other steps to protect yourself. Only you, of course, know what will work best for you. The following points may help you during this difficult time.**

1. Consider renting a post office box for your mail.
2. Change your usual routes going to work or taking children to school.
3. Tell trusted co-workers about the situation to avoid receiving calls from the abuser and unnecessary disclosures of information to the abuser.
4. Place your own safety above your possessions or your pride.
5. Make sure that you have a copy of your TPO or CPO with you at all times.
6. Make sure that your local law enforcement agency has a copy of your TPO or CPO to make them aware of the danger you face and to increase the likelihood that they will respond quickly if you call for help.
7. Change your door locks.
8. Keep your doors and windows locked at all times. Put sturdy sticks in windows and sliding glass doors. Consider installing a peephole in your front door. **Never let the abuser in for any reason.**
9. Alert neighbors to call police if they see the abuser at your home.
10. Have someone stay with you if possible.
11. Do not go to places where the abuser might be or to the place where the abuser is living.
12. Do not go out alone. Remember that witnesses are very important. Be around people whenever possible.
13. If you and the abuser should see each other in a public place, do not confront the person. If the abuser does not leave, then you should leave with someone or call someone to be with you.
14. Avoid all unnecessary contact with the abuser. If the abuser calls you without a legitimate reason, hang up or say that you don't want to talk and then hang up. If the

abuser uses text messaging, instant messaging, social networking websites or any additional method to contact you without a legitimate reason, do not respond. If the contact continues, call the victim assistance program in your area or the prosecutor's office.

15. Consider changing your phone number and having it unlisted.

16. Do not in any way encourage the abuser to break the rules of the TPO or CPO.

17. If the abuser needs to get personal belongings from your home, the judge may tell the victim assistance program in the prosecutor's office to make the necessary arrangements. You can ask that a police officer or sheriff's deputy be on the scene when the abuser comes to get his belongings. If you are not sure what to do, always check with your victim advocate.

18. Keep emergency numbers handy. Make sure you have numbers for the police or sheriff, ambulance, hospital and domestic violence shelter hotline.

19. If you have children and decide to leave, take your children with you.

20. If you have a TPO or CPO or if there is a pending criminal case against your abuser and you move, notify the prosecutor's office of your new address.

***Should you reconcile with your partner, notify law enforcement. You must take the necessary legal steps to have the protection order removed. If you fail to act, your partner could be arrested for violating the terms of the CPO or TPO.***



## X. WHAT IF I'VE BEEN SEXUALLY ASSAULTED?

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**Domestic violence often includes sexual violence. In Ohio, marital rape is a crime. If you have been sexually assaulted, you need to seek immediate medical treatment. It is also extremely important to preserve all available evidence. As a victim of a sexual assault, you should do the following:**

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- 1. Call the police or sheriff.** Be sure to get the names, badge numbers and telephone numbers of any officers or deputies with whom you speak.
- 2. Do not touch anything.** If there has been a struggle and furniture has been knocked over, don't straighten it up. Don't risk erasing fingerprints or disturbing possible evidence.
- 3. Do not wash.** Do not shower or douche. Do not even wash your hands. If oral sex was involved, do not brush your teeth or rinse your mouth. Any type of washing will wash away critical evidence. Evidence such as hair, skin, blood and semen can be analyzed and used to prove the identity of your attacker.
- 4. Put the clothing you were wearing at the time of the assault in a bag.** Each item of clothing must be put in a separate paper bag to preserve any evidence that may be on them. The underwear you were wearing at the time must be put in a paper bag, not a plastic bag. A plastic bag will cause additional moisture to accumulate and could ruin any evidence that exists on the underwear. A paper bag, however, will allow the underwear to dry out, which can preserve any evidence on the clothing. If you were wearing a tampon at the time of assault, place it also in a paper bag.
- 5. Get medical help.** You may treat any bleeding cuts you have at home, but only minimally. Get to an emergency center, clinic or personal doctor as soon as possible. Although the person treating you will need to report the crime, you do not have to file a report if you seek medical help. You have a right to have someone of your choosing remain with you at all times during the medical exam or in talking with law enforcement.

**Immediate medical treatment will ensure that the facts of your situation and your injuries will be documented on a medical record, which can be used in court.**

The doctor or nurse will gather slides and swabs as evidence and give them to law enforcement for analysis. Medical personnel should be able to answer any questions you may have regarding testing for internal and external injuries, venereal disease, pregnancy and AIDS. Hospital staff can also refer you to counselors who specialize in sexual trauma.

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## XI. WHAT IF MY CHILD HAS BEEN ABUSED?

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**Domestic violence in the home often involves children. Even if a child is not directly abused, witnessing violence can be very traumatic. If you think you or your children are in immediate danger, get yourself and your family to a safe environment as soon as possible.**

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### **Legally, what is child abuse?**

Child abuse is defined as any act that inflicts physical or mental injury.

### **Must suspected abuse be reported?**

Many people are legally required to report any injury to a child under the age of 18 (or under the age of 21 if physically or mentally handicapped). People who must report suspected child abuse include:

- Attorneys
- Audiologists
- Child care workers
- Children Services personnel
- Coroners
- Day care personnel
- Dentists
- Nurses
- Physicians including hospital interns and residents
- Podiatrists
- Psychiatrists
- School authorities, employees and teachers
- Social Workers
- Speech Pathologists
- Animal Control Officers/Agents

### **Must a lawyer or doctor disclose all communications made concerning child abuse?**

No. If you are a client, the information you give to lawyers and doctors may be considered privileged and protected from disclosure unless you consent to its release.

### **Must shelter workers report child abuse?**

Maybe. Shelters are staffed by both licensed and non-licensed professionals. Licensed professionals, including social workers and licensed counselors, are legally required to report child abuse. For these individuals, failure to report child abuse can result in criminal and civil penalties. Non-licensed professionals, however, are not legally required to report child abuse, but they may still report it. Policies about reporting vary from shelter to shelter. Decisions are often made on a case by case basis. And reporting abuse does not automatically mean that the victim will lose custody of her children.

Her presence at a shelter may indicate her success at protecting her child. And if the abuser inflicted injury on the child, reporting the incident may strengthen the victim's case to maintain custody and limit the abuser's access to the child and/or require supervised visitation with the abuser.

**If my child is reported as being abused, will my child be taken away from me?**

Suspected cases of abuse are to be reported to the county public children services agency or to law enforcement. Ohio's public children services agencies are required to assess and investigate reports of abuse, neglect or dependency. The agency will complete an assessment and, if necessary, work with the family to develop a case plan identifying services necessary to reduce risk to the child and prevent the abuse or neglect from occurring again. In instances where it is found that children cannot remain safe in their own homes, the PCSA will work with the local court system to remove children and find an alternative safe placement – preferably with relatives. In cases where domestic violence is an issue, PCSAs make every effort to work with the non-offending parent to link the family with needed services and support that parent's effort to live a violence-free life.

Some women are concerned that just by seeking help, they may risk loss of custody of their children. Remember that going to a shelter, attending a support group, getting a protection order and taking legal action are all considered positive steps towards freeing yourself and your family from a destructive situation. If problems should arise, your victim advocate can help you in any interactions with the public children services agency.

**Where is child abuse reported?**

Anyone suspecting child abuse may report that suspicion anonymously to the county public children services agency or to law enforcement.

**What kinds of action might be taken to protect an abused child?**

Before a hearing, the court may issue temporary orders concerning custody or care of the child, who can have contact with the child and under what conditions or circumstances, and emergency medical treatment for the child.

**Can a court issue an order concerning my child without my presence?**

Yes. However, if possible, the court will provide an opportunity for a hearing before issuing such orders. If the court issues orders without notice of a hearing, it must notify the people affected (parents or guardian) and give them the chance to contest the order at a hearing.

**Must my child testify in court?**

If the abuser is brought to trial, your child may have to testify. However, in some circumstances, your child's testimony may be videotaped to eliminate the need for a court appearance. If the child must come to court, you may ask the prosecutor to provide a separate waiting room to limit the child's interactions with the abuser.

## XII. WHERE CAN I GET HELP?

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**If you are being abused, your local domestic violence shelter can help. Almost all shelters offer 24/7 (24 hours/7 days a week) hotlines. The shelter may also offer you a safe place to stay, counseling, child care, referrals to community agencies and transportation.**

**Even if you don't leave your partner, you may still attend support groups and talk with victim advocates about your legal rights.**

**Trained victim advocates are also available through the victim assistance program at your prosecutor's office.**

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The following national and statewide organizations provide information and referral to local community agencies. Information may be obtained by calling, e-mailing and visiting websites. Also listed are state government agencies with advocates to assist victims with specific issues or to make referrals.

National Domestic Violence Hotline 24/7  
(800) 799-SAFE (7233)  
(800) 787-3224 TTY  
[www.thehotline.org](http://www.thehotline.org)

National Sexual Assault Hotline 24/7  
RAINN – Rape, Abuse & Incest National Network  
(800) 656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org)

ACTION OHIO Coalition For Battered Women  
(888) 622-9315 or (614) 825-0551  
Fax (614) 825-0673  
[actionohio@sbcglobal.net](mailto:actionohio@sbcglobal.net)  
[www.actionohio.org](http://www.actionohio.org)

Ohio Domestic Violence Network  
(800) 934-9840 or (614) 781-9651  
Fax (614) 781-9652  
[info@odvn.org](mailto:info@odvn.org)  
[www.odvn.org](http://www.odvn.org)

Ohio Alliance to End Sexual Violence  
(888) 886-8388 or (216) 658-1381  
Fax (216) 619-6195  
[info@oaesv.org](mailto:info@oaesv.org)  
[www.oaesv.org](http://www.oaesv.org)

Legal Services Offices in Ohio  
(866) LAW-OHIO or (866) 529-6446  
Or  
Ohio Poverty Law Center  
(800) 589-5888 or (614) 221-7201  
[www.ohiopovertylawcenter.org](http://www.ohiopovertylawcenter.org)

Crime Victims Assistance and Prevention  
And  
Ohio Victims of Crime Compensation Program  
Ohio Attorney General's Office  
(800) 582-2877 or (614) 466-5610  
[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

Office of Victim Services  
Ohio Department of Rehabilitation and Correction  
(888) 842-8464 or (614) 728-1976  
Fax (614) 728-1980  
[DRC.Victim.Services@odrc.state.oh.us](mailto:DRC.Victim.Services@odrc.state.oh.us)  
[www.drc.ohio.gov](http://www.drc.ohio.gov)

Office of Victim Services  
Ohio Department of Youth Services  
(800) 872-3132  
Fax (614) 995-0289  
[Victim.Services@dys.ohio.gov](mailto:Victim.Services@dys.ohio.gov)  
[www.dys.ohio.gov](http://www.dys.ohio.gov)

VINE – Victim Information and Notification Everyday  
Ohio Statewide VINE Service  
Access to Information & Notification for Offender Custody Status  
A service provided by the Ohio Attorney General's Office  
(800) 770-0192  
(866) 847-1298 TTY  
[www.vinelink.com](http://www.vinelink.com)

## XIII. APPENDIX

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### Definition of Terms

**Affidavit:** a sworn written statement which can be used as evidence in court.

**Agent:** a person authorized by another to act for him or her.

**Arraignment:** the formal act of calling a defendant into open court, informing him or her of the charge, and asking for a plea of guilty, not guilty or no contest to the charge.

**Arrest:** taking a person into custody for the purpose of holding him or her to answer a criminal charge. An arrest can be made when a warrant has been issued or when a law enforcement officer has reason to believe that the individual has committed a crime.

**Bail:** an amount of money set by the judge and posted with the court clerk as security to ensure that the defendant will appear in court at a specific time.

**Bond:** the person accused of a crime binds himself or herself to comply with certain conditions set by the court. The bond is secured by bail or by the signature of the accused.

**Bond forfeiture warrant:** If the accused does not appear in court at the proper time, a warrant is issued directing that he or she be arrested and that the bond be forfeited.

**Charge:** a formal written statement presented to the court which accuses a person of committing a crime.

**Civil action:** a lawsuit to enforce private rights, to obtain compensation for a violation of those rights, or to recover damages. A civil action is brought directly by the complainant, usually with the help of an attorney.

**Complaint:** a written statement presented in court charging that a crime has been committed. A Complaint can be filed by anyone, including police.

**Contempt of court:** any act that embarrasses, hinders or obstructs the court in administering justice or that lessens its authority or its dignity.

**Criminal proceeding:** a criminal action brought by a city, state or the federal government. The prosecutor represents the governmental body which is bringing the action against the defendant.

**Defendant:** the person being prosecuted.

**Domestic Relations Court:** a common pleas court with jurisdiction over cases involving relations within the family or household.

**Ex parte:** a court proceeding for the benefit of one side only with no notice to the other side.

**Felony:** a crime more serious than a misdemeanor for which punishment ranges from six months in prison to death.

**Grand Jury:** a jury whose duty is to receive complaints and accusations in criminal cases, hear the prosecutor's evidence and decide whether to issue an indictment.

**Hearing:** a court proceeding in which a judge listens to evidence and makes a decision, such as in a protection order hearing.

**Indictment:** a written accusation issued by the grand jury that the offender has committed the crime.

**Judgment:** the court's official decision resolving legal questions, including the guilt or innocence of the accused and the severity of the sentence.

**Minor:** a person under 18 years old.

**Misdemeanor:** an offense less serious than a felony for which the maximum punishment is six months in jail and a \$1,000 fine.

**Offense:** a criminal act including felonies, misdemeanors and violation of city and village ordinances.

**Parole:** a supervised release from jail or prison which restores the offender's civil rights, after the offender has served part of the sentence.

**Perjury:** deliberately lying under oath.

**Petition:** a request asking the court to issue a protection order.

**Plea:** the way in which the accused answers a complaint in court. If the defendant pleads guilty or no contest, there will be no trial.

**Preliminary Hearing:** after an arrest for a felony, the prosecution presents evidence to the judge, who determines whether there is probable cause to believe that a crime was committed and that the accused may have committed it. If the judge finds probable cause, the defendant is scheduled for an arraignment.

**Pretrial:** a meeting before trial between the prosecutor and the defense attorney during which they discuss the case, exchange information about witnesses and attempt to negotiate a resolution of the case.

**Probation:** a period during which the defendant's jail time or fine is suspended. During this time, the defendant must obey certain rules. If the defendant breaks any of these

rules while on probation, the court can then order him or her to serve the jail time and/or pay the fine.

**Pro bono:** free of charge.

**Pro se:** acting as one's own lawyer.

**Prosecutor:** the prosecuting attorney or assistant prosecuting attorney, village solicitor or city law director, who is designated to prosecute a given case.

**Release on recognizance:** bond that is secured by the signature of the person accused. No bail is set.

**Revocation hearing:** a hearing in which it is determined whether or not a person sentenced to probation has violated the terms of that probation.

**Restitution:** a sentence imposed by a court that requires the offender to pay for such things as damaged property or the cost of medical treatment.

**Sentencing:** the judgment of a court concerning the offender's punishment.

**Subpoena:** a written command to appear to give testimony about a crime. If you don't obey a subpoena, you can be held in contempt of court.

**Victim Advocate:** provides assistance for a victim during court proceedings.



## OHIO VICTIMS OF CRIME COMPENSATION PROGRAM

The Ohio Victims of Crime Compensation Program can help reimburse you for some out-of-pocket expenses, including medical bills, counseling and lost wages.

You must be an Ohio resident or a person whose home state has reciprocity with Ohio programs. You can file the application any time after the crime has occurred; there is no deadline for filing, but the victim must have reported the crime at some point and cooperated with law enforcement. Anyone who paid expenses resulting from the crime or who is authorized to act on your behalf may also apply.

Should you incur additional expense as a result of the crime after you file the claim, you can file for additional compensation. Emergency money is also available if you will suffer financially without the award AND if it appears that a final award will be granted.

The forms are self-explanatory and you do not need an attorney. Claim forms are available through the Ohio Attorney General's Office or can be found online through the Ohio Attorney General's Office website, [www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov).

For more information, contact Crime Victims Services at (800) 582-2877 or (614) 466-5610, or visit the Ohio Attorney General's website.

# OHIO VICTIMS' RIGHTS

## ***Notification Rights:***

After initial contact, law enforcement must provide the victim with a copy of the Ohio Attorney General's Victim's Bill of Rights Pamphlet, including information about victims' compensation, protection orders and victim assistance (medical, counseling, housing, emergency or other services).

Law enforcement must provide contact information for the investigator and prosecutor, notice of arrest, the defendant's eligibility for pre-trial release, and information as to whether the defendant has been arrested or released.

If practical, prosecutors must confer with the victim before a plea bargain, diversion, amendment, dismissal or trial. The court must note in the record a prosecutor's failure to confer with the victim.

Prosecutors must inform victims of the case number, the procedural process, a summary of rights, including the right to attend hearings, the procedure to follow in case of intimidation, the phone number to call for information on case status, the need to request notices, and the right to choose another person to receive notices.

In addition, the prosecutor must notify the victim of all court proceedings and schedule changes, including

Date, time and location,

Acquittal or conviction,

Phone number and address of probation officer,

Date, time and place of sentencing and the right to speak before sentencing,

Sentence and any change to the sentence,

Appeal being filed and the subsequent procedural process,

Release of the defendant, and

Time, place and results of the appeal.

Victims who have requested any other notification must also be notified of Likely release date of defendant and contact information of the custodial agency and Hearings for release and the victim's right to make a statement.

Furthermore, the court must notify the victim of the result of any release hearings. If the abuser is sentenced to prison and you register for notification through the Office of Victim Services, staff will notify you of any release hearings held by the Department of Rehabilitation and Correction.

## **Victim Impact Statements**

Victims may make a statement to the judge about physical and emotional harm and give opinions at sentencing and early release hearing.

### **Confidentiality**

If there is a threat of violence, victims may request that the prosecutor ask the court to keep victim identifying information confidential. Except for the trial transcript, court documents cannot list the victim's address or phone number.

### **Employee Protections**

Employers cannot penalize victims for missing work because of time spent preparing for or attending hearings at the prosecutor's request or by subpoena.

### **Attendance at Hearings**

Victims may attend any hearing at which the defendant is present, unless the judge rules exclusion of the victim is necessary to ensure a fair trial. If practical, the court must provide a separate waiting area for the victim.

### **Bond Re-hearing**

If a defendant is released on bond, then the victim may request that the prosecutor ask the court to reconsider bond conditions.

### **Property Return**

Law enforcement must promptly return the victim's property unless it is illegal, ownership is disputed, and the prosecutor certified that it must be kept instead of photographed, or the judge promptly rules the property must be held as evidence.

### **Support Person**

At the victim's request, the judge must permit a support person to accompany the victim, unless the judge rules this will cause an unfair trial for the defendant.

### **Speedy Prosecution**

If practical, the prosecutor must inform the victim of possible delays. If the victim objects, the prosecutor must inform the judge and the judge must consider the victim's concern before approving delays.

### **Notification in Custodial Circumstances**

#### **Adult Prison System**

Victims who request notification through the Office of Victim Services within the Ohio Department of Rehabilitation and Correction will receive notification of the following:

Offender's release date from prison

Upcoming hearings (including parole, transitional control and clemency)

Offender's escape from custody and apprehension

Offender's involvement in Intensive Program Prison (IPP)

Offender's death

Offender's status regarding transfer to another state for community supervision (Interstate Compact)

In Ohio, there are two different notification services offered. It is important that you register for both to receive the most comprehensive services possible.

1) Office of Victim Services/ODRC - Register online at [www.drc.ohio.gov](http://www.drc.ohio.gov) or call (888) 842-8464.

2) VINE (Victim Information Notification Everyday) – Register online at [www.drc.ohio.gov](http://www.drc.ohio.gov) or call (800) 700-0192.

It is critical that once you register with the Office of Victim Services you make staff aware of any address or telephone number changes as they occur.

**Notification in Custodial Circumstances**

Juvenile Offenders

If the juvenile offender is incarcerated with the Ohio Department of Youth Services, you can call the Office of Victim Services at 1-800-872-3132. Staff will be able to determine your eligibility for registration and provide you with the necessary forms.